

**A RESOLUTION AS AMENDED  
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT IN THE CASE OF MICHAEL SCOTT KREHER, ET. AL. V. CITY OF ATLANTA, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:04-CV-2651, IN THE AMOUNT OF \$7.5 MILLION; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND) ACCOUNT NUMBER 529017 (PROPERTY/LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, *MICHAEL SCOTT KREHER, ET. AL. V. CITY OF ATLANTA*, is a class-action lawsuit in which the Plaintiffs, sworn police officers of the Atlanta Police Department, sued the City of Atlanta ("COA") for unpaid overtime and other pay related issues; and

WHEREAS, Plaintiffs alleged that they worked overtime and were never compensated for that time; that they were forced to take compensatory time instead of receiving the monetary value of the overtime worked; that their overtime hours were not calculated correctly; and

WHEREAS, the Parties engaged in court-ordered mediation before Robert Remer, Esq. a private mediator selected by the parties; and

WHEREAS, as a result of the mediation, the Plaintiffs have agreed to \$7,500,000 as full settlement of all claims against the City of Atlanta, inclusive of attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claim is in excess of the settlement amount; and

WHEREAS, the settlement of the case of *Michael Scott Kreher, et. al. v. City of Atlanta* shall not be deemed to be an admission of liability or wrongdoing on the part of the City or any other current or former employee or agent of the City; and

WHEREAS, once the settlement is approved by the Council and the Mayor, it will be submitted to the United States District Court for the Northern District of Georgia for final approval; and

WHEREAS, the Court will approve the specific distribution amounts to the Plaintiffs and to their attorneys; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$7,500,000 to settle the above-described claims; and

WHEREAS, the City Attorney, the Commissioner of Human Resources, the Chief Information Officer, and the Chief of Police have addressed and corrected the underlying timekeeping issues that gave rise to the lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. That the City Attorney is hereby authorized to settle the case of *Michael Scott Kreher, et. al. v. City of Atlanta* in the amount of Seven Million Five Hundred Thousand Dollars (\$7,500,000.00), to submit said settlement to the U.S. District Court for final approval, and to prepare a release of all claims.

SECTION 2. That the Chief Financial Officer is authorized to pay to Miller & Billups, P.C, on behalf of Michael Scott Kreher and all Plaintiffs of record, the sum of \$7,500,000.00, and to charge such sum to Fund 1A01 (General Fund) Account 529017 (Property/Liquidation) and Center No. T31001 (Non-Departmental). Such payment shall be according to the schedule approved by the U. S. District Court in its final order and shall be in full consideration of the release of all claims against the City of Atlanta, and its current and former officers and employees.

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